

statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies; or

Whoever, when the United States is at war, willfully causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or willfully obstructs the recruiting or enlistment service of the United States, to the injury of the service or the United States, or attempts to do so—

Shall be fined under this title or imprisoned not more than twenty years, or both.

(b) If two or more persons conspire to violate subsection (a) of this section and one or more such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in said subsection (a).

(c) Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this section, shall be fined under this title or imprisoned not more than ten years, or both.

(d) This section shall apply within the admiralty and maritime jurisdiction of the United States, and on the high seas, as well as within the United States.

(June 25, 1948, ch. 645, 62 Stat. 811; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on sections 33, 34, 35, 37 of title 50, U.S.C., 1940 ed., War and National Defense (June 15, 1917, ch. 30, title I, §§ 3, 4, 5, 8, 40 Stat. 219; Mar. 3, 1921, ch. 136, 41 Stat. 1359; Mar. 28, 1940, ch. 72, § 2, 54 Stat. 79).

Sections 33, 34, 35, and 37 of title 50, U.S.C., 1940 ed., War and National Defense, were consolidated. Sections 34, 35, and 37 of title 50, U.S.C., 1940 ed., War and National Defense, are also incorporated in sections 791, 792, and 794 of this title, to which they relate.

Minor changes were made in phraseology.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000” in last par. of subsec. (a) and in subsec. (c).

#### REPEALS

Section 7 of act June 30, 1953, ch. 175, 67 Stat. 134, repealed Joint Res. July 3, 1952, ch. 570, § 1(a)(29), 66 Stat. 333; Joint Res. Mar. 31, 1953, ch. 13, § 1, 67 Stat. 18, which had provided that this section should continue in force until six months after the termination of the National emergency proclaimed by 1950 Proc. No. 2914 which is set out as a note preceding section 1 of Appendix to Title 50, War and National Defense.

#### REPEAL OF EXTENSIONS OF WAR-TIME PROVISIONS

Section 6 of Joint Res. July 3, 1952, repealed Joint Res. Apr. 14, 1952, ch. 204, 66 Stat. 54, as amended by Joint Res. May 28, 1952, ch. 339, 66 Stat. 96. Intermediate extensions by Joint Res. June 14, 1952, ch. 437, 66 Stat. 137, and Joint Res. June 30, 1952, ch. 526, 66 Stat. 296, which continued provisions until July 3, 1952, expired by their own terms.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 14, 1717 of this title; title 5 section 8312; title 38 section 6105; title 50 App. sections 19, 34.

### § 2389. Recruiting for service against United States

Whoever recruits soldiers or sailors within the United States, or in any place subject to the jurisdiction thereof, to engage in armed hostility against the same; or

Whoever opens within the United States, or in any place subject to the jurisdiction thereof, a recruiting station for the enlistment of such soldiers or sailors to serve in any manner in armed hostility against the United States—

Shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 811; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 7 (Mar. 4, 1909, ch. 321, § 7, 35 Stat. 1089).

Mandatory punishment provision was rephrased in the alternative.

Minor changes were made in phraseology.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000” in last par.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14 of this title; title 5 section 8312; title 38 section 6105.

### § 2390. Enlistment to serve against United States

Whoever enlists or is engaged within the United States or in any place subject to the jurisdiction thereof, with intent to serve in armed hostility against the United States, shall be fined under this title<sup>1</sup> or imprisoned not more than three years, or both.

(June 25, 1948, ch. 645, 62 Stat. 812; Pub. L. 103-322, title XXXIII, § 330016(1)(B), Sept. 13, 1994, 108 Stat. 2146.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 8 (Mar. 4, 1909, ch. 321, § 8, 35 Stat. 1089).

Mandatory punishment provision was rephrased in the alternative.

Minor changes were made in phraseology.

#### AMENDMENTS

1994—Pub. L. 103-322, which directed the amendment of this section by striking “fined not more than \$100” and inserting “fined under this title”, was executed by substituting “fined under this title” for “fined \$100”, to reflect the probable intent of Congress.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14 of this title; title 5 section 8312; title 38 section 6105.

### [§ 2391. Repealed. Pub. L. 103-322, title XXXIII, § 330004(13), Sept. 13, 1994, 108 Stat. 2142]

Section, added June 30, 1953, ch. 175, § 6, 67 Stat. 134, related to temporary extension of section 2388 of this title.

## CHAPTER 117—TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES

Sec.  
2421. Transportation generally.

<sup>1</sup> See 1994 Amendment note below.

- Sec.  
 2422. Coercion and enticement.  
 2423. Transportation of minors.  
 2424. Filing factual statement about alien individual.  
 2425. Use of interstate facilities to transmit information about a minor.  
 2426. Repeat offenders.  
 2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense.

## AMENDMENTS

1998—Pub. L. 105-314, title I, §§101(b), 104(b), 105(b), Oct. 30, 1998, 112 Stat. 2975-2977, added items 2425, 2426, and 2427.

1988—Pub. L. 100-690, title VII, §7071, Nov. 18, 1988, 102 Stat. 4405, substituted “individual” for “female” in item 2424.

1986—Pub. L. 99-628, §5(a)(1), (b)(2), Nov. 7, 1986, 100 Stat. 3511, substituted “TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES” for “WHITE SLAVE TRAFFIC” as chapter heading and substituted “and enticement” for “or enticement of female” in item 2422.

1978—Pub. L. 95-225, §3(b), Feb. 6, 1978, 92 Stat. 9, substituted “Transportation of minors” for “Coercion or enticement of minor female” in item 2423.

## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2251, 2252A, 2253, 2254, 3156, 4042 of this title.

## § 2421. Transportation generally

Whoever knowingly transports any individual in interstate or foreign commerce, or in any Territory or Possession of the United States, with intent that such individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not more than 10 years, or both.

(June 25, 1948, ch. 645, 62 Stat. 812; May 24, 1949, ch. 139, §47, 63 Stat. 96; Pub. L. 99-628, §5(b)(1), Nov. 7, 1986, 100 Stat. 3511; Pub. L. 105-314, title I, §106, Oct. 30, 1998, 112 Stat. 2977.)

## HISTORICAL AND REVISION NOTES

## 1948 ACT

Based on title 18, U.S.C., 1940 ed., §§397, 398, 401, 404 (June 25, 1910, ch. 395, §§1, 2, 5, 8, 36 Stat. 825-827).

Section consolidates sections 397, 398, 401, and 404 of title 18, U.S.C., 1940 ed.

Section 397 of title 18, U.S.C., 1940 ed., containing a definition of the terms “interstate commerce” and “foreign commerce” was omitted as unnecessary in view of the definition of those terms in section 10 of this title.

Section 401 of title 18, U.S.C., 1940 ed., prescribing venue was omitted as unnecessary in view of section 3237 of this title.

Section 403 of title 18, U.S.C., 1940 ed., was omitted. No definition of “Territory” is necessary to the revised section as it is phrased. Construction therein of “person” is covered by section 1 of title 1, U.S.C., 1940 ed., General Provisions, as amended. Last paragraph of said section relating to construction of this chapter was omitted as surplusage.

Words “Possession of the United States” were inserted in three places in view of mission of said section 403 of title 18, U.S.C., 1940 ed., and, reference in that section to the Canal Zone is covered by those words. This chapter applies to the Territory of Hawaii. (See *Sun Chong Lee v. United States*, C.C.A. Hawaii, 1942, 125 F. 2d 95.)

Section 404 of title 18, U.S.C., 1940 ed., containing the short title was omitted as not appropriate in a revision.

Reference to persons causing, procuring, aiding or assisting was deleted as unnecessary because such persons are made principals by section 2 of this title.

Words “and upon conviction thereof” were also deleted as surplusage since punishment cannot be imposed until a conviction is secured.

Words “deemed guilty of a felony” were deleted as unnecessary in view of the definition of a felony in section 1 of this title. (See reviser’s note under section 550 of this title.)

Minor changes were also made in translations and phraseology.

## 1949 ACT

This section [section 47] corrects a typographical error in section 2421 of title 18, U.S.C.

## AMENDMENTS

1998—Pub. L. 105-314 inserted “or attempts to do so,” before “shall be fined” and substituted “10 years” for “five years”.

1986—Pub. L. 99-628 amended section generally. Prior to amendment, section read as follows:

“Whoever knowingly transports in interstate or foreign commerce, or in the District of Columbia or in any Territory or Possession of the United States, any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute or to give herself up to debauchery, or to engage in any other immoral practice; or

“Whoever knowingly procures or obtains any ticket or tickets, or any form of transportation or evidence of the right thereto, to be used by any woman or girl in interstate or foreign commerce, or in the District of Columbia or any Territory or Possession of the United States, in going to any place for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent or purpose on the part of such person to induce, entice, or compel her to give herself up to the practice of prostitution, or to give herself up to debauchery, or any other immoral practice, whereby any such woman or girl shall be transported in interstate or foreign commerce, or in the District of Columbia or any Territory or Possession of the United States—

“Shall be fined not more than \$5,000 or imprisoned not more than five years, or both.”

1949—Act May 24, 1949, corrected spelling of “induce”.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 14, 1961, 2253, 2254, 2255, 3486 of this title; title 8 section 1101.

## § 2422. Coercion and enticement

(a) Whoever knowingly persuades, induces, entices, or coerces any individual to travel in interstate or foreign commerce, or in any Territory or Possession of the United States, to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not more than 10 years, or both.

(b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined

under this title, imprisoned not more than 15 years, or both.

(June 25, 1948, ch. 645, 62 Stat. 812; Pub. L. 99-628, §5(b)(1), Nov. 7, 1986, 100 Stat. 3511; Pub. L. 100-690, title VII, §7070, Nov. 18, 1988, 102 Stat. 4405; Pub. L. 104-104, title V, §508, Feb. 8, 1996, 110 Stat. 137; Pub. L. 105-314, title I, §102, Oct. 30, 1998, 112 Stat. 2975.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §399 (June 25, 1910, ch. 395, §3, 36 Stat. 825).

Words “deemed guilty of a felony” were deleted as unnecessary in view of definition of felony in section 1 of this title. (See reviser’s note under section 550 of this title.)

Words “and on conviction thereof shall be” were deleted as surplusage since punishment cannot be imposed until a conviction is secured.

The references to persons causing, procuring, aiding or assisting were omitted as unnecessary as such persons are made principals by section 2 of this title.

Words “Possession of the United States” were inserted twice. (See reviser’s note under section 2421 of this title.)

Minor changes were made in phraseology.

#### AMENDMENTS

1998—Subsec. (a). Pub. L. 105-314, §102(1), inserted “or attempts to do so,” before “shall be fined” and substituted “10 years” for “five years”.

Subsec. (b). Pub. L. 105-314, §102(2), added subsec. (b) and struck out former subsec. (b) which read as follows: “Whoever, using any facility or means of interstate or foreign commerce, including the mail, or within the special maritime and territorial jurisdiction of the United States, knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years to engage in prostitution or any sexual act for which any person may be criminally prosecuted, or attempts to do so, shall be fined under this title or imprisoned not more than 10 years, or both.”

1996—Pub. L. 104-104 designated existing provisions as subsec. (a) and added subsec. (b).

1988—Pub. L. 100-690 substituted “or” for “of” before “foreign commerce”.

1986—Pub. L. 99-628 substituted “and enticement” for “or enticement of female” in section catchline and amended text generally. Prior to amendment, text read as follows: “Whoever knowingly persuades, induces, entices, or coerces any woman or girl to go from one place to another in interstate or foreign commerce, or in the District of Columbia or in any Territory or Possession of the United States, for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose on the part of such person that such woman or girl shall engage in the practice of prostitution or debauchery, or any other immoral practice, whether with or without her consent, and thereby knowingly causes such woman or girl to go and to be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or in the District of Columbia or in any Territory or Possession of the United States, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 14, 1961, 2253, 2254, 2255, 3486, 3559 of this title; title 8 section 1101.

### § 2423. Transportation of minors

(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who knowingly transports an individual who has not attained the age of 18 years in interstate or for-

eign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

(b) TRAVEL WITH INTENT TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.—A person who travels in interstate commerce, or conspires to do so, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, or conspires to do so, for the purpose of engaging in any sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States shall be fined under this title, imprisoned not more than 15 years, or both.

(June 25, 1948, ch. 645, 62 Stat. 812; Pub. L. 95-225, §3(a), Feb. 6, 1978, 92 Stat. 8; Pub. L. 99-628, §5(b)(1), Nov. 7, 1986, 100 Stat. 3511; Pub. L. 103-322, title XVI, §160001(g), Sept. 13, 1994, 108 Stat. 2037; Pub. L. 104-71, §5, Dec. 23, 1995, 109 Stat. 774; Pub. L. 104-294, title VI, §§601(b)(4), 604(b)(33), Oct. 11, 1996, 110 Stat. 3499, 3508; Pub. L. 105-314, title I, §103, Oct. 30, 1998, 112 Stat. 2976.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §400 (June 25, 1910, ch. 395, §4, 36 Stat. 826).

Words “deemed guilty of a felony” were deleted as unnecessary in view of definition of felony in section 1 of this title. (See reviser’s note under section 550 of this title.)

Words “and on conviction thereof shall be” were deleted as surplusage since punishment cannot be imposed until a conviction is secured.

Words “Possession of the United States” were inserted twice. (See reviser’s note under section 2421 of this title.)

Minor changes were made in phraseology.

#### AMENDMENTS

1998—Subsec. (a). Pub. L. 105-314, §103(1), added subsec. (a) and struck out former subsec. (a) which read as follows:

“(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who knowingly transports any individual under the age of 18 years in interstate or foreign commerce, or in any Territory or Possession of the United States, with intent that such individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title or imprisoned not more than ten years, or both.”

Subsec. (b). Pub. L. 105-314, §103(2), substituted “15 years” for “10 years”.

1996—Pub. L. 104-294, §604(b)(33), amended directory language of Pub. L. 103-322, §160001(g). See 1994 Amendment note below.

Subsec. (b). Pub. L. 104-294, §601(b)(4), made amendment identical to that made by Pub. L. 104-71. See 1995 Amendment note below.

1995—Subsec. (b). Pub. L. 104-71 substituted “2246” for “2245”.

1994—Pub. L. 103-322, as amended by Pub. L. 104-294, §604(b)(33), added subsec. (b) and substituted “(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who” for “Whoever”.

1986—Pub. L. 99-628 amended section generally, revising and restating as one paragraph provisions formerly contained in subsec. (a) and striking out subsec. (b) which provided definitions.

1978—Pub. L. 95-225 substituted “Transportation of minors” for “Coercion or enticement of minor female” in section catchline, designated existing provision as subsec. (a), substituted provisions relating to conduct prohibiting the transportation of minors for provisions relating to conduct prohibiting the coercion or enticement of a minor female, and added subsec. (b).

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 604(b)(33) of Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 14, 1961, 2253, 2254, 2255, 3486, 3559 of this title; title 8 section 1101.

### § 2424. Filing factual statement about alien individual

(a) Whoever keeps, maintains, controls, supports, or harbors in any house or place for the purpose of prostitution, or for any other immoral purpose, any individual, knowing or in reckless disregard of the fact that the individual is an alien, shall file with the Commissioner of Immigration and Naturalization a statement in writing setting forth the name of such individual, the place at which that individual is kept, and all facts as to the date of that individual's entry into the United States, the port through which that individual entered, that individual's age, nationality, and parentage, and concerning that individual's procurement to come to this country within the knowledge of such person; and

Whoever fails within five business days after commencing to keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien individual to file such statement concerning such alien individual with the Commissioner of Immigration and Naturalization; or

Whoever knowingly and willfully states falsely or fails to disclose in such statement any fact within that person's knowledge or belief with reference to the age, nationality, or parentage of any such alien individual, or concerning that individual's procurement to come to this country—

Shall be fined under this title or imprisoned not more than 10 years, or both.

(b) In any prosecution brought under this section, if it appears that any such statement required is not on file in the office of the Commissioner of Immigration and Naturalization, the person whose duty it is to file such statement shall be presumed to have failed to file said statement, unless such person or persons shall prove otherwise. No person shall be excused from furnishing the statement, as required by this section, on the ground or for the reason that the statement so required by that person, or the information therein contained, might tend to criminate that person or subject that person to a penalty or forfeiture, but no information contained in the statement or any evidence which is directly or indirectly derived from such information may be used against any person making such statement in any criminal case, except a prosecution for perjury, giving a false statement or otherwise failing to comply with this section.

(June 25, 1948, ch. 645, 62 Stat. 813; Pub. L. 91-452, title II, § 226, Oct. 15, 1970, 84 Stat. 930; Pub. L. 99-628, § 5(c), Nov. 7, 1986, 100 Stat. 3511; Pub. L. 103-322, title XXXIII, § 330016(1)(I), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-208, div. C, title III, § 325, Sept. 30, 1996, 110 Stat. 3009-629.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 402(2), (3) (June 25, 1910, ch. 395, § 6, 36 Stat. 826).

First paragraph of section 402 of title 18, U.S.C., 1940 ed., was omitted from this section and recommended for transfer to Title 8, Aliens and Nationality.

Words “shall be deemed guilty of a misdemeanor” were omitted as unnecessary in view of the definition of a misdemeanor in section 1 of this title. (See reviser's note under section 212 of this title.)

Minor changes were made in phraseology.

#### AMENDMENTS

1996—Subsec. (a). Pub. L. 104-208, § 325(1), in first par. substituted “individual, knowing or in reckless disregard of the fact that the individual is an alien” for “alien individual within three years after that individual has entered the United States from any country, party to the arrangement adopted July 25, 1902, for the suppression of the white-slave traffic” and struck out “alien” after “the name of such”.

Pub. L. 104-208, § 325(2), in second par. substituted “five business” for “thirty” and struck out “within three years after that individual has entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic,” after “any alien individual”.

Pub. L. 104-208, § 325(3), substituted “10” for “two” in last par.

1994—Subsec. (a). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$2,000” in last par.

1986—Pub. L. 99-628, § 5(c)(1), substituted “individual” for “female” in section catchline.

Subsec. (a). Pub. L. 99-628, § 5(c)(2)-(4), (6), substituted “individual” for “woman or girl”, “that individual” for “she”, “that individual's” for “her”, and “that person's” for “his” wherever appearing.

Subsec. (b). Pub. L. 99-628, § 5(c)(5), substituted “that person” for “him” wherever appearing.

1970—Subsec. (b). Pub. L. 91-452 substituted provisions that no information contained in the statement or any evidence directly or indirectly derived from such information be used against any person making such statement in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with this section, for provisions that no person be prosecuted or subjected to any penalty or forfeiture under any law of the United States for or on account of any transaction, etc., truthfully reported in his statement.

#### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-452 effective on sixtieth day following Oct. 15, 1970, and not to affect any immunity to which any individual is entitled under this section by reason of any testimony given before sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91-452, set out as an Effective Date; Savings Provision note under section 6001 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 14, 1961 of this title.

### § 2425. Use of interstate facilities to transmit information about a minor

Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial ju-

risdiction of the United States, knowingly initiates the transmission of the name, address, telephone number, social security number, or electronic mail address of another individual, knowing that such other individual has not attained the age of 16 years, with the intent to entice, encourage, offer, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 5 years, or both.

(Added Pub. L. 105-314, title I, §101(a), Oct. 30, 1998, 112 Stat. 2975.)

#### § 2426. Repeat offenders

(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term of imprisonment otherwise provided by this chapter.

(b) DEFINITIONS.—In this section—

(1) the term “prior sex offense conviction” means a conviction for an offense—

(A) under this chapter, chapter 109A, or chapter 110; or

(B) under State law for an offense consisting of conduct that would have been an offense under a chapter referred to in paragraph (1) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States; and

(2) the term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 105-314, title I, §104(a), Oct. 30, 1998, 112 Stat. 2976.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2247 of this title.

#### § 2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense

In this chapter, the term “sexual activity for which any person can be charged with a criminal offense” includes the production of child pornography, as defined in section 2256(8).

(Added Pub. L. 105-314, title I, §105(a), Oct. 30, 1998, 112 Stat. 2977.)

### CHAPTER 118—WAR CRIMES

Sec.  
2441. War crimes.

#### AMENDMENTS

1996—Pub. L. 104-294, title VI, §605(p)(2), Oct. 11, 1996, 110 Stat. 3510, redesignated item 2401 as 2441.

#### § 2441. War crimes

(a) OFFENSE.—Whoever, whether inside or outside the United States, commits a war crime, in any of the circumstances described in subsection (b), shall be fined under this title or imprisoned for life or any term of years, or both, and if death results to the victim, shall also be subject to the penalty of death.

(b) CIRCUMSTANCES.—The circumstances referred to in subsection (a) are that the person committing such war crime or the victim of such war crime is a member of the Armed Forces of the United States or a national of the United States (as defined in section 101 of the Immigration and Nationality Act).

(c) DEFINITION.—As used in this section the term “war crime” means any conduct—

(1) defined as a grave breach in any of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party;

(2) prohibited by Article 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed 18 October 1907;

(3) which constitutes a violation of common Article 3 of the international conventions signed at Geneva, 12 August 1949, or any protocol to such convention to which the United States is a party and which deals with non-international armed conflict; or

(4) of a person who, in relation to an armed conflict and contrary to the provisions of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended at Geneva on 3 May 1996 (Protocol II as amended on 3 May 1996), when the United States is a party to such Protocol, willfully kills or causes serious injury to civilians.

(Added Pub. L. 104-192, §2(a), Aug. 21, 1996, 110 Stat. 2104, §2401; renumbered §2441, Pub. L. 104-294, title VI, §605(p)(1), Oct. 11, 1996, 110 Stat. 3510; amended Pub. L. 105-118, title V, §583, Nov. 26, 1997, 111 Stat. 2436.)

#### REFERENCES IN TEXT

Section 101 of the Immigration and Nationality Act, referred to in subsec. (b), is classified to section 1101 of Title 8, Aliens and Nationality.

#### AMENDMENTS

1997—Pub. L. 105-118 which directed amendment of section 2401 of this title by substituting “war crime” for “grave breach of the Geneva Conventions” in subsec. (a) and for “breach” in two places in subsec. (b) and by amending subsec. (c) generally, was executed by amending this section to reflect the probable intent of Congress and the amendment by Pub. L. 104-294. Prior to amendment, subsec. (c) read as follows:

“(c) DEFINITIONS.—As used in this section, the term ‘grave breach of the Geneva Conventions’ means conduct defined as a grave breach in any of the international conventions relating to the laws of warfare signed at Geneva 12 August 1949 or any protocol to any such convention, to which the United States is a party.”

1996—Pub. L. 104-294 renumbered section 2401 of this title as this section.

#### SHORT TITLE

Section 1 of Pub. L. 104-192 provided that: “This Act [enacting this chapter] may be cited as the ‘War Crimes Act of 1996’.”

### CHAPTER 119—WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS

Sec.  
2510. Definitions.